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Attorneys for plaintiff and the Class

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LEON ALPERT, an individual, on behalf of
himself, on behalf of all those similarly
situated, and on behalf of the general public,

Plaintiffs,

v.

TIME WARNER CABLE, INC., a Delaware
corporation, and DOES 1 TO 100,
Defendants.

) Case No. 08 CV 582 W WMc

) **PLAINTIFF'S NOTICE OF MOTION AND**
) **MOTION FOR REMAND FOR LACK OF**
) **FEDERAL JURISDICTION**

) Date: June 16, 2008

) Time: 10:00 a.m.

) Place: Courtroom 7

) Judge: Hon. Thomas J. Whelan

) [No Oral Argument Pursuant to LR 7.1(d)(1)]

) Complaint filed: March 13, 2007

) Removal: March 27, 2008

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on June 16, 2008 at 10:00 a.m., or as soon thereafter as counsel may be heard Plaintiffs will move the Court for an order remanding the above-entitled cause from the United States District Court for the Southern District of California to the Superior Court of the State of California, County of San Diego, from which it was removed on or about March 27, 2008, pursuant to Defendant's Notice of Removal.

The action was removed improperly and without jurisdiction, as the claims and rights of the Plaintiffs in the action against Defendant originate in the California Unfair Competition Law (California Business & Professions Code sections 17200 et seq.). Plaintiffs' claims and rights in the action do not arise under the Constitution, treaties, or laws of the United States, nor has the defendant demonstrated diversity jurisdiction pursuant to the Class Action Fairness Act of 2005 ("CAFA") as asserted by Defendant, and no federal question is involved in this action. Accordingly, removal of the action is not warranted under the provisions of 28 U.S.C. 1441 and is not a proper case for resolution by the federal courts and removal would result in needless intervention by the federal courts.

Please take further notice that in support of this motion, Plaintiffs will rely upon the Memorandum of Law, and upon all other papers heretofore filed and served with regard to this action.

Dated: April 25, 2008

CLARK & MARKHAM LLP

By: /s/David R. Markham
David R. Markham
Attorney for the Plaintiff, Leon Alpert

PROOF OF SERVICE

I am over 18 and not a party to the within action. My business address is 600 B Street, Suite 2130, San Diego, CA 92101.

On April 25, 2008, I served a true and correct copy of the following document(s):

1) NOTICE OF MOTION AND MOTION FOR REMAND**2) MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF REMAND**

Upon the following person(s)

Jeffrey M. Shohet, Esq
 Julie L. Hussey, Esq.
 Carris S. Dolton, Esq.
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 Attorneys for the Defendant, Time Warner Cable

	BY HAND DELIVERY: By causing such document(s) to be delivered by hand to the above person(s) at the address(es) set forth above.
	BY MAIL: By placing a copy thereof enclosed in a sealed envelope, with postage thereon fully prepaid, in the United States mail at San Diego, Californian, addressed as set forth above.
	BY THIRD-PARTY COMMERCIAL CARRIER (OVERNIGHT DELIVERY): By delivering a copy thereof to a third party commercial carrier addressed as set forth above, for delivery on the next business day.
	BY FACSIMILE: By transmitting the above document(s) to the facsimile number(s) of the addressee(s) designated above.
X X	BY ELECTRONIC TRANSMISSION OF THE "NOTICE OF ELECTRONIC FILING" By electronically filing the document(s)

I certify that I am employed in the office of a member of the bar of this court at whose direction service was made.

Executed on April 25, 2008 at San Diego, California

/s/ James M. Treglio
 James M. Treglio